Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

5C-4

RULE CHAPTER NO.: RULE CHAPTER TITLE:

Admission of Animals for Exhibition NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 11, (March 17, 2006) issue of the Florida Administrative Weekly.

Rule Title changed to Animal Health Requirements – For Exhibition.

Rule section title deleted from the text as published 3/17/06 General Requirements and Limitations. 5C-4.001.

Rule section title changed to Cattle or Bison. 5C-4.002

Rule section title changed to Poultry, Domestic Fowl or Ratites. 5C-4.004.

5C-4.0015(1) changed from § 161 (2004) to § 161 (2005).

5C-4.0015(2) changed to

(2) Animal(s). This term shall include:

(a) Livestock including grazing animals, such as cattle, horses, sheep, swine, goats, and other hoofed animals;

(b) Ratites, limited to ostriches, emus, and rheas;

(c) Poultry or domestic fowl which are propagated or maintained for commercial or breeding purposes; and

(d) Wild or game animals which may threaten the agricultural interests of Florida.

5C-4.0015(9) changed to

(9) Official Certificate of Veterinary Inspection (OCVI). <u>A</u> legible record or certificate made on an official form from the state of origin or from the USDA, or a Department-approved electronic format, issued and signed by veterinarians licensed and accredited in the state of origin for the purpose of certifying the official individual identification, test requirements, and health status of specific animals for movement, exhibition, and other designated purposes.

5C-4.0015(10) changed to

(10) Official Individual Identification. A form of unique individual animal identification including, but not limited to:

(a) Official Eartags. Must be tamper-resistant/tamper evident, approved by APHIS, capable of providing a unique identification number for each animal, and capable of being recorded in a central repository. Such eartags must conform to one of the numbering or tagging systems approved by the USDA, APHIS, VS in 9 C.F.R. § 71.1.

(b) Ear, tail-web or flank tattoos, approved by APHIS; breed registration tattoos when accompanied by breed registration papers; or an official brand when accompanied by a brand registration certificate;

(c) Official leg or wing bands for poultry;

(d) Color digital images or notarized color photographs of the animal, signed by a state-licensed, USDA-accredited veterinarian; or

(e) Implanted electronic chips with a unique number that is recorded in a single, central database.

5C-4.0015(10)4. Deleted.

5C-4.0015(10)(e) changed by deleting the phrase "that conform to ISO standards"

5C-4.0015(12) change to

(12) Poultry, Domestic Fowl or Ratites. Chickens, turkeys, quail, pheasants, chukars, peafowl, guineas, ratites (limited to ostriches, emus and rheas) and waterfowl that are propagated or maintained for commercial or breeding purposes.

5C-4.0015(14) changed to

(14) Materials. Title 9 C.F.R. § 71.1 (2005) is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

5C-4.0015 Specific Authority 585.145(1), (2) changed to 585.145(2) FS.

5C-4.0016(1) changed to USDA. VS Form 10-11, Equine Infectious Anemia Laboratory Test. An official USDA, APHIS, VS form required for submitting samples and reporting results of Equine Infectious Anemia (EIA) tests.

5C-4.0016(2) 3. and 4. deleted

5C-4.0016(3) changed by deleting the two form references

"Official Avian Certificate of Veterinary Inspection, DACS-09023 Rev. 12/03;" and "and Official Certificate of Veterinary Inspection for Interstate Movement of Dogs, Cats, and other Non-Livestock Species, DACS-09086 Rev. 10/05".

5C-4.0016(3) changed from "DACS-09207 Rev. 08/04" to "DACS-09207 Rev. 07/05" and from "DACS-09160 Rev. 06/05" to "DACS-09160 Rev. 07/05".

5C-4.0016 Specific Authority changed to 585.002(4), (5), 585.08(2)(a), 585.145(2) FS.

5C-4.0017(1) changed to

(1) Official Certificate of Veterinary Inspection (OCVI) Required. Animals presented for exhibition purposes in Florida, unless specifically exempted, must be accompanied by an OCVI issued by a veterinarian accredited in the state of origin.

5C-4.0017(6) changed from "DACS-09207 Rev. 08/04" to "DACS-09207 Rev. 07/05".

5C-4.0017 Specific Authority 585.145(1), (2) changed to 585.145(2) FS.

5C-4.002 Section title changed to Cattle <u>or Bison</u>. 5C-4.002(1)(b) changed to (b) Cattle or bison imported from other states for exhibition must be accompanied by an OCVI dated not more than 30 days prior to exhibition.

5C-4.002 Specific Authority 585.145(1), (2) changed to 585.145(2) FS.

5C-4.003 Number correction on subsection "Materials." to (5).

5C-4.003. Specific Authority 585.145(1), (2) changed to 585.145(2) FS.

5C-4.004 Section title changed to Poultry, Domestic Fowl <u>or</u> Ratites.

5C-4.004(1) changed to

(1) OCVI Required. An OCVI is required for <u>poultry</u>, domestic fowl <u>or</u> ratites for movement into Florida, but not specifically for exhibition. However, <u>poultry</u>, domestic fowl<u>or</u> ratites presented for exhibition without an OCVI, must be inspected as provided in subsection <u>5C-4.0017(4)</u>, F.A.C. 5C-4.004(2) changed to

(2) Test or Certification Required. All <u>poultry or</u> domestic fowl entered for exhibition must originate from Pullorum-Typhoid Clean flocks or hatcheries, <u>as provided in 9</u> <u>CFR § 145 (2005) and § 147 (2005)</u>, or have a negative pullorum-typhoid test within 90 days prior to exhibition. 5C-4.004(3) added

(3) Materials. 9 CFR § 145 (2005) and § 147 (2005) are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

5C-4.004 Specific Authority 585.145(1), (2) changed to 585.145(2) FS.

5C-4.005(4) changed by correcting the title by deleting the word National

5C-4.005 Specific Authority 585.145(1), (2) changed to 585.145(2) FS.

5C-4.008(2) changed to

(2) Test or Certification Required. All horses presented for exhibition must be accompanied by evidence of a negative official test for <u>Equine Infectious Anemia</u> (EIA), conducted within 12 months prior to exhibition.

5C-4.008(4) changed by deleting "and previous versions accepted by USDA, APHIS, VS,"

and, "and previous versions,".

5C-4.008(4) changed to include form title, "VS Form 10-11 (APR 90), Equine Infectious Anemia Laboratory Test,".

5C-4-008(4) changed from "DACS-09207 Rev. 08/04" to "DACS-09207 Rev. 07/05" and from "DACS-09160 Rev. 06/05" to "DACS-09160 Rev. 07/05".

5C-4.008 Specific Authority 585.145(1), (2) changed to 585.145(2) FS.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at http://www.dep. state.fl.us/ under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-501.301	Law Libraries
	NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 52, December 30, 2005, Florida Administrative Weekly, has been withdrawn.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-6.011	Policy and Purpose
40E-6.021	Definitions
40E-6.051	Exemptions
40E-6.311	Access to Works and Lands of the
	District; Closures
	NOTICE OF CODDECTION

NOTICE OF CORRECTION

Notice is hereby given that the hearing for the rules proposed in the Florida Administrative Weekly, Vol. 32, No. 8, February 24, 2006, for the South Florida Water Management District has been continued from April 12, 2006 to the following date and location:

DATE AND TIME: May 10, 2006, 9:00 a.m.

PLACE: U.S. Horticultural Research Lab, 2001 South Rock Road, Ft. Pierce, FL 34945

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Fred Davis, South Florida Water Management District, Post Office Box 24680, Mail Stop Code 5720, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6636 or (561)682-6636 (internet:fdavis@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact the Director of Governing Board and Executive Services, at (561)682-6371 at least two business days in advance to make appropriate arrangements.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-7.511	Policy and Purpose
40E-7.520	Scope and Applicability
40E-7.521	Definitions
40E-7.523	Access to Management Areas;
	Closures
40E-7.525	Use of Vehicles, Airboats, and
	Aircraft; Navigational Restrictions
40E-7.526	Equestrian Activities; Use of Saddle
	Animals
40E-7.527	Hunting; Possession and Use of
	Firearms
40E-7.528	Bicycling
40E-7.529	Overnight Camping
40E-7.530	Trapping
40E-7.532	Operating Hours
40E-7.534	Special Use Licenses
40E-7.535	Event Authorization
40E-7.537	General Prohibitions
40E-7.538	Establishment of South Florida Water
	Management District Management
	Areas Open to the Public
40E-7.5381	Special Provisions for Right of Way of
	the District
40E-7.5382	Special Provisions for Vacant
	Undesignated District lands Open
	to the Public
40E-7.5383	Special Provisions for Stormwater
	Treatment Areas (STA's) of the
	District Open to the Public
40E-7.5384	Special Provisions for Impoundment
	Areas of the District Open to the
	Public
40E-7.539	Penalties
ľ	NOTICE OF CORRECTION

Notice is hereby given that the hearing for the rules proposed in the Florida Administrative Weekly, Vol. 32, No. 8, February 24, 2006, for the South Florida Water Management District has been continued from April 12, 2006 to the following date and location:

DATE AND TIME: May 10, 2006, 9:00 a.m.

PLACE: U.S. Horticultural Research Lab, 2001 South Rock Road, Ft. Pierce, FL 34945

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Fred Davis, South Florida Water Management District, Post Office Box 24680, Mail Stop Code 5720, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6636 or (561)682-6636 (internet:fdavis@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them

to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the Director of Governing Board and Executive Services, at (561)682-6371 at least two business days in advance to make appropriate arrangements.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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RULE NOS.:	RULE TITLES:
40E-7.668	Policy
40E-7.669	Definitions
40E-7.670	Competitive Solicitation Preferences
40E-7.671	District Implementation
40E-7.672	Compliance
40E-7.673	Certification Eligibility Small
	Business Enterprise
40E-7.674	Certification Review Procedures
40E-7.675	Recertification Review Procedures
40E-7.676	Decertification
40E-7.677	Reciprocity
40E-7.678	Administrative Hearings
	NOTICE OF CORRECTION

Notice is hereby given that the hearing for the rules proposed in the Florida Administrative Weekly, Vol. 32, No. 8, February 24, 2006, for the South Florida Water Management District has been continued from April 12, 2006 to the following date and location:

DATE AND TIME: May 10, 2006, 9:00 a.m.

PLACE: U.S. Horticultural Research Lab, 2001 South Rock Road, Ft. Pierce, FL 34945

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Frank Hayden, South Florida Water Management District, Post Office Box 24680, Mail Stop Code 6611, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6043 or (561)682-6043 (internet:fhayden@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact the Director of Governing Board and Executive Services, at (561)682-6371 at least two business days in advance to make appropriate arrangements.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-4.009	Applications
	NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 45, of the November 10, 2005, issue of the Florida Administrative Weekly. The change is response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Rules Committee, at its meeting held on April 6, 2006, voted to change the rule. The Board, at its meeting held on April 8, 2006, approved the recommendation of the Committee. When changed, subsection (8)(a) of the rule shall read as follows:

"Completion of three hours of Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease including current Florida law. Continuing medical education offered by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education are hereby deemed approved by the board as are home study courses offered by the above agencies. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement."

(a) Written designation of laser safety officer (64B8-51.006(3)(g)4., F.A.C.)

(b) Appropriate sign on door of laser room (64B8-51.006 (3)(g)5., F.A.C.) as required by ANSI Standard Z136.1-2000, available from American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, New York 10036.

(c) Cold water and ice (64B8-51.006(3)(g)9., F.A.C.)

(d) Lock on door of laser room (64B8-51.006(3)(g)6., F.A.C.)

(e) Fire extinguisher in vicinity of laser room (64B8-51.006(3)(g)8., F.A.C.)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF HEALTH

Board of Medicin	ie
RULE NO.:	RULE TITLE:
64B8-55.002	Citations
	NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 25, of the June 24, 2005, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board, at its meeting held on April 8, 2005, reviewed the Council's recommendation and the Electrolysis Committee's recommendation. The Board voted to change the rule to address the concerns submitted by JAPC. The changes are as follows:

1. Subsection (3) of the rule shall be deleted in its entirety.

2. The proposed new subsection (4) shall be renumbered as subsection (3).

3. The proposed changes to subsection (5) shall be renumbered as subsection (4).

4. The proposed new paragraph (5)(t) shall be renumbered as subsection (5) and shall be changed to read as follows:

(5) The Board designates the following as electrology citations violations in laser or light based hair removal. Failure to have:

First time violation \$150, Subsequent violations \$300.

First time violation \$150, Subsequent violation \$300.

(f) Written protocols that are signed, dated, and maintained in a readily available location on the premises where the electrologist practices (64B8-56.002(4)(a), F.A.C.)	First time violation \$200, Subsequent violation \$400.
(g) Copy of protocols filed with the Department of Health (64B8-56.002(4)(a), F.A.C.)	First time violation \$200, Subsequent violation \$400.
 (h) Professional liability coverage that includes coverage for incidents arising from laser usage in an amount not less than \$100,000. (64B8-56.002(4)(e), F.A.C.) 	First time violation \$250, Subsequent violation \$500.
(i) At least one piece of properly registered laser equipment located within the electrology facility (64B8-56.002(1)(b), F.A.C.)	First time violation \$300, Subsequent violation \$600.
(j) Protective eyewear for all persons in laser room during operation of laser (64B8-51.006(3)(g)7., F.A.C.)	First time violation \$300, Subsequent violation \$600.
(k) Proof of certification of 30 hours of continuing education in laser hair removal for all electrologists using laser equipment in the facility (64B8-52.004, F.A.C.)	First time violation \$500, Subsequent violation \$1000.
(1) Proof of certification as Certified Medical Electrologist for all persons who use laser equipment in the facility, who are not exempt and are licensed electrologists (64B8-56.002(2)(b), F.A.C.)	First time violation \$500, Subsequent violation \$1000.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 DEPARTMENT OF HEALTH	DEPARTMENT OF CHILDREN AND FAMILY SERVICES Economic Self-Sufficiency Program RULE NO.: RULE TITLE: 65A-4.208 Need NOTICE OF CHANGE
Board of Nursing Home Administrators RULE NO.: RULE TITLE: 64D10 16 007 Out of State	Notice is hereby given that the following changes have been made to the proposed rule published in Vol. 32, No. 9, March 3, 2006 issues of the Elevide Administrative Weakley in

Out-of-State Administrator-in-Training Programs NOTICE OF WITHDRAWAL

64B10-16.007

Notice is hereby given that the above-referenced proposed Rule, as noticed in Vol. 31, No. 20, of the Florida Administrative Weekly on May 20, 2005, has been withdrawn. The person to be contacted regarding the proposed Rule is: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

incorporated by reference. Specific changes in rule text are as follows:

(2) Application for Temporary Cash Assistance: A specific ACCESS Florida Application, CF-ES Form 2337, <u>Mar Feb</u> 06, incorporated by reference; or an ACCESS Florida Web Application, CF-ES Form 2353, <u>Mar Feb</u> 06 incorporated by

2006, issue of the Florida Administrative Weekly in

accordance with subparagraph 120.54(3)(d)1., F.S. The

specific changes are being made in response to comments

received at the rule hearing from Florida Legal Services

requesting clarification on proposed means to self-refer to the

Relative Caregiver Program (RCP) and form provisions

reference, available on the Department's Internet site at www.myflorida.com/accessflorida. The CF-ES 2353 is only accepted electronically. An application must include at least the individual's name, address and signature to initiate the application process. Household members who are ineligible, or who are not applying for benefits, may be designated as non-applicants.

(11) A relative caregiver may be referred, or self-refer, to the Relative Caregiver Program (RCP) using CF-ES Form 2305, Relative Caregiver Program Request for Eligibility Consideration, Sep 02, incorporated by reference, or by using the CF-ES 2353 or CF-ES 2337.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at http://www.dep. state.fl.us/ under the link or button titled "Official Notices."

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:

53ER06-22 Instant Game Number 654, COOL 7's SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 654, "COOL 7's," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-22 Instant Game Number 654, COOL 7's.

(1) Name of Game. Instant Game Number 654, "COOL 7's."

(2) Price. COOL 7's lottery tickets sell for \$1.00 per ticket.

(3) COOL 7's lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning COOL 7's lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C. (4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1 one 11 elevn	2 THO 12 THELV	3 THREE 13 THRTN	14 1	5 6 Ive si 15 10 Iftn six	k eight 6 18	19	10 TEN 20 THENTY	
	(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:							
1 one 11 elevn	2 TWO 12 TWELV	3 THREE 13	4 FOUR 14	5 FIVE 15 FIFTN	6 six 16 sixtn	8 Eight 18 Eghtn	9 Nine 19 Nintn	10 TEN 20 THENTY
(6) The prize symbols and prize symbol captions are as follows:								
TIC	KET	\$1.	00	\$2.00	\$4	5.00	\$10).00

TICKET	\$1.00	\$2.00	\$5.00	\$10.00
TICKET	ONE	TWO	FIVE	TEN
\$20.00	\$25.00	\$50.00	\$100	\$2,500
TWENTY	TWY FIVE	FIFTY	ONE HUN	TWY FIV HUN

(7) The legends are as follows:

WINNING #'S YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches either number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100 and \$2,500. A claimant who is entitled to a prize of a "FREE TICKET" shall be entitled to a prize of a \$1.00 instant ticket, except as follows. A person who submits by mail a COOL 7's lottery ticket that entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.



(c) A ticket having a "^{WIN}" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$25.00.